

**RECORD OF PROCEEDINGS OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS**

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February 21, 2022

The City Council of the City of Gardner, Kansas met in regular session on February 21, 2022, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with Mayor Todd Winters presiding. Present were Councilmembers Mark Baldwin, Steve Shute, Kacy Deaton, Tory Roberts, and Erik Van Potter. City staff present were City Administrator Jim Pruetting; Deputy City Administrator Amy Nasta; Finance Director Matthew Wolff; Police Chief James Belcher; Utilities Director Gonz Garcia; Parks Director Jason Bruce; Community Development Director David Knopick; Public Works Director Kellen Headlee; City Attorney Ryan Denk; and City Clerk Sharon Rose. Others present included those listed on the sign-in sheet and others who did not sign in.

There being a quorum of Councilmembers present, Mayor Winters called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Winters led those present in the Pledge of Allegiance.

PRESENTATIONS

PUBLIC HEARINGS

PUBLIC COMMENTS

No members of the public came forward.

CONSENT AGENDA

1. **Standing approval of the minutes as written for the regular meeting on February 7, 2022**
2. **Standing approval of City expenditures prepared January 31, 2022 in the amount of \$113.75; February 4, 2022 in the amount of \$422,109.35; and February 11, 2022 in the amount of \$487,243.18**
3. **Consider authorizing an agreement with the Southwest Johnson County Economic Development Corporation**
4. **Consider authorizing the execution of contracts to purchase chemicals for the Hillsdale Water Treatment Plant**
5. **Consider authorizing the execution of a lease contract to replace two specialty vehicles**
6. **Consider authorizing the execution of an Ownership Authorization letter acknowledging the ownership of a small parcel of land at Gardner Lake**
7. **Consider an appointment to the Airport Advisory Board**
8. **Consider accepting the dedication of right-of-way easements for the 167th and Kill Creek Intersection Project**

Councilmember Shute asked to remove item 5 from the Consent Agenda.

Councilmember Baldwin made a motion to approve items 1-4 and 6-8 on the Consent Agenda.

Councilmember Shute Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Discussion of item 5, Consider authorizing the execution of a lease contract to replace two specialty vehicles:

Councilmember Shute asked about the nature of the vehicles and if this is a lease purchase or a term lease.

Utilities Director Garcia said the vehicles are service bucket trucks. They are the smaller bucket trucks used daily for most services. Garcia said these are term leases and they include maintenance items except wear and tear.

Councilmember Shute made a motion to authorize the City Administrator to execute an agreement with Altec Capital to replace two (2) Small Aerial Lift Trucks in the lease program for four additional years at a monthly lease rate of \$4,053.83 per month (\$48,645.96 per year) per truck excluding taxes, licensing fees, and delivery charges.

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Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

PLANNING & ZONING CONSENT AGENDA

COMMITTEE RECOMMENDATIONS

OLD BUSINESS

NEW BUSINESS

1. Consider adopting a resolution approving the execution and delivery of a Second Amended and Restated Development Agreement for a development project within the City (GRATA Development)

Finance Director Matt Wolff said at the October 19, 2020 meeting, council adopted Resolution No. 2068 authorizing the execution and delivery of a first amended and restated development agreement with GRATA Development (Developer) for a mixed-use development located at 175th Street and Clare Road. The proposed resolution authorizes the execution and delivery of a Second Amended and Restated Development Agreement. The main changes include removing the developer's de-annexation remedy, removing the issuance of CID bonds and the payment of associated interest, increasing the Common CID Cap to allow for additional reimbursement expense in lieu of interest, and clarifying infrastructure milestones in regard to phasing. Increases to the Common CID Cap are to allow additional reimbursable expenses in lieu of interest and is consider a neutral change to the overall level of incentives to the developer.

The city's bond counsel, Tyler Ellsworth, Kutak Rock, reiterated that the development agreement being considered tonight has no net financial impact to the city. The existing agreement provides for reimbursement to the developer of principal and interest for certain project costs. The amended and restated agreement increases the principal component, but removes the interest component. The new agreement is the economic equivalent of the existing agreement.

Councilmember Shute asked how this will lock the city and Grata into long-term relationship. Ellsworth said there are milestones for both the city and Grata. They are two years in and this agreement clarifies milestones. The agreement memorializes where they are in the process. This agreement removes the de-annexation remedy. It also provides an economic equivalent to the interest component that was removed.

Mayor Winters thanked Mr. Ellsworth and staff for their work on this agreement.

Councilmember Shute made a motion to adopt a resolution of the City of Gardner, Kansas, approving the execution and delivery of a Second Amended and Restated Development Agreement for a development project within the City (GRATA Development).

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2101.

Van Potter:	Yes
Baldwin:	Yes
Deaton:	Yes
Roberts:	Yes
Shute:	Yes

2. Consider authorizing the execution of a contract for Substation 4 site location, land acquisition, and preliminary design

Utilities Director Gonz Garcia said in 2006, Meers Engineering performed an Electric Master Plan that included a new substation along Cedar Niles Rd. Due to a series of annexations over the past few years, the current city limits

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have been extended to 199th Street. To accommodate the future growth of this area, a new substation will be needed. Staff solicited a Request for Qualifications and received five responses. The selection committee scored the responses and selected Olsson. Olsson proposed the project in two phases. The first phase would identify the side location for the substation. The second phase would be a preliminary design of the substation.

Austin Jueneman, Olsson Associates, said he is excited to partner with the city on this project and preliminary design.

Mayor Winters asked what the cost might be for substation construction. Director Garcia said substation 3 was about \$3.5 Million in 2006. Potter, so 8 mil today. Councilmember Shute asked if there is a general location. Garcia said there is a transmission line crossing on 183rd and they would need to connect with that.

Councilmember Baldwin made a motion to authorize the City Administrator to execute a contract with Olsson, Inc., in the amount of \$130,970 for the site location, land acquisition, and preliminary design of Substation 4.

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

3. Consider accepting a voluntary annexation with landowner consent

City Administrator Jim Pruetting said there is a tract of land east of McDonald's that is already annexed into the city. The same owners submitted a voluntary annexation request for the next tract east bounded by the highway for continuity in the land they already own.

Councilmember Deaton made a motion to accept the Voluntary Consent Annexation request of the Jean Louise Gilmore, Arnold E. Johnson, and Lynn A. Johnson property and adopt an ordinance annexing land to the City of Gardner, Kansas.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2726.

Baldwin:	Yes
Deaton:	Yes
Roberts:	Yes
Shute:	Yes
Van Potter:	Yes

COUNCIL UPDATES

Chief Belcher thanked staff who moved snow during the last snow event. It was a big event, and staff made it better for everyone. Councilmember Shute particularly thanked PW for pushing snow into the center of his cul-de-sac and not on to the side of the street.

City Clerk Rose said there are vacancies on the interview teams for the various boards/commissions/committees. Through the discussion, it was decided that Councilmember Baldwin would serve the Airport Advisory Board (AAB), the Parks Advisory Committee (PRAC), the Public Works and Accessibility Advisory Committee (PWAAC), and the Utility Advisory Commission (UAC). Councilmember Shute would serve the AAB, Economic Development Advisory Committee (EDAC), and the Planning Commission. Councilmember Deaton would serve the Citizens Police Advisory Committee (CPAC) and the UAC. Councilmember Potter would serve the CPAC, EDAC and PRAC committees, and Councilmember Roberts would serve the Planning Commission and PWAAC committees.

Director Bruce said staff has been busy conducting seasonal interviews and gearing up for spring sports.

Director Knopick said they will have a Planning Commission meeting next Monday.

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City Administrator Pruetting said he and the Mayor met with KDOT to advocate for access points on Gardner Road. KDOT was not receptive. Pruetting said they will continue to work at a staff level. Councilmember Roberts said they should maintain all access points. Mayor Winters said it is KDOT right-of-way. Councilmember Baldwin asked if they could temporarily not do the median. Pruetting said engineering staff are working on that with local contacts. Director Headlee said staff met with all major stake holders. KDOT and the design team have received all input and will come back with compromise. Councilmember Deaton asked if they could start work without the city signing off on it. Pruetting said they committed to the project 2 years ago and are 40% through the design phase. They don't believe the ultimate buildout would happen for 10-15 years. Baldwin said the construction in 2024 affects the gas station immediately. Pruetting said the access is pivoted to 188th and who builds the access. Winters said KDOT is not receptive to delaying the median. Roberts said the presentation didn't seem like a good fit for the businesses or residents.

Councilmember Deaton thanked staff for snow response; it was a big snow event. Deaton noted that Gardner roads were better than other areas of the metro.

Councilmember Van Potter seconded Deaton regarding snow removal.

EXECUTIVE SESSION

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Shute and seconded by Councilmember Deaton the meeting adjourned at 7:32p.m.

City Clerk

City of Gardner, KS

Council Actions

February 21, 2022

The City Council took the following actions at the February 21, 2022, meeting:

1. Approved the minutes as written for the regular meeting on February 7, 2022. (Passed unanimously)
2. Approved City expenditures prepared January 31, 2022 in the amount of \$113.75; February 4, 2022 in the amount of \$422,109.35; and February 11, 2022 in the amount of \$487,243.18. (Passed unanimously)
3. Authorized the City Administrator to execute an agreement with Southwest Johnson County Economic Development Corporation for economic development services for one year, ending December 31, 2022, in the amount of \$90,000. (Passed unanimously)
4. Authorized the City Administrator to execute contracts for the purchase of chemicals for water treatment up to a combined total amount estimated at \$354,670.00 with G2O Technologies, Brenntag Mid-South, DPC Industries, Inc., Calgon Carbon Corp. and Polydyne Inc. (Passed unanimously)
5. Authorized the City Administrator to execute an agreement with Altec Capital to replace two (2) Small Aerial Lift Trucks in the lease program for four additional years at a monthly lease rate of \$4,053.83 per month (\$48,645.96 per year) per truck excluding taxes, licensing fees, and delivery charges. (Passed unanimously)
6. Authorized the City Administrator to execute an Ownership Authorization letter acknowledging ownership of the property and providing consent for the Johnson County Zoning Board to move forward with the consolidation of the properties with the understanding that the city will transfer the land to the property owner. (Passed unanimously)
7. Appointed Gilbert Ludwig to serve on the Airport Advisory Board with a term expiring January 2024. (Passed unanimously)
8. Accept the dedication of right-of-way for the 167th and Kill Creek Intersection Project. (Passed unanimously)
9. Adopted Resolution No. 2101, a resolution of the City of Gardner, Kansas, approving the execution and delivery of a Second Amended and Restated Development Agreement for a development project within the City (GRATA Development). (Passed unanimously)
10. Authorized the City Administrator to execute a contract with Olsson, Inc., in the amount of \$130,970 for the site location, land acquisition, and preliminary design of Substation 4. (Passed unanimously)
11. Accepted the Voluntary Consent Annexation request of the Jean Louise Gilmore, Arnold E. Johnson, and Lynn A. Johnson property and adopted Ordinance No. 2726, an ordinance annexing land to the City of Gardner, Kansas. (Passed unanimously)